

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113
THURSDAY, MARCH 23, 2006
8:30 A.M.**

Commissioners Present: Deb Schorr, Chair
Larry Hudkins
Ray Stevens

Commissioners Absent: Bob Workman, Vice Chair
Bernie Heier

Others Present: Kerry Eagan, Chief Administrative Officer
Ann Taylor, County Clerk's Office

The Chair opened the meeting at 8:33 a.m.

AGENDA ITEM

1 APPROVAL OF STAFF MEETING MINUTES OF THURSDAY, MARCH 16, 2006

MOTION: Stevens moved and Hudkins seconded approval of the Staff Meeting minutes of March 16, 2006. Hudkins and Stevens voted aye. Schorr abstained from voting. Motion carried.

2 ADDITIONS TO THE AGENDA

- A. Request for Information from Nationwide Retirement Solutions (NRS) (Exhibit A)
- B. Public Building Commission Meeting
- C. Reconsideration of Special Circumstance Award for Corey Steele, Juvenile Justice Coordinator
- D. Report on New Ethanol Plant

MOTION: Hudkins moved and Stevens seconded approval of the additions to the agenda. Hudkins, Stevens and Schorr voted aye. Motion carried.

3 LEGISLATIVE UPDATE - Gordon Kissel, Legislative Consultant; Amy Prenda, Director of Legal Research and Analysis for Kissel/E&S Associates

Gordon Kissel, Legislative Consultant, presented a legislative update (Exhibit B). He also reported the following:

- ▶ Senator Beutler has filed an amendment to LB 529 (Provide court reform with the State assuming costs of district courts and consolidation of positions) extending implementation over a twelve year period and eliminating the court fees.
- ▶ LB 808 (Change income tax and sales tax rates) was advanced. LB 407 (Eliminate provisions relating to agricultural and horticultural land valuation) language was amended into the bill.

Scott Gaines, Chief Administrative Deputy Assessor/Register of Deeds, said LB 808 redefines ag land to look at the overall, primary uses of the parcel.

In response to a question from Hudkins, Gaines said the initial and maximum values for homestead exemption will increase under the bill.

Stevens asked whether the County will be reimbursed for the loss of revenue.

Norm Agena, County Assessor/Register of Deeds, said yes, there will be full reimbursement.

Stevens expressed concern regarding the impact of the change to ag land value under LB 968 (agricultural land would be assessed at 75% of market value rather than the current 80% rate).

Gaines said it is merely a shift.

Stevens said "The Legislature is claiming credit for property tax relief and it is not property tax relief, except for those people whose ag land value goes from 80% to 75%. Everyone else in the County will pay more because of that."

Agena said it won't make that much of a difference in Lancaster County.

Stevens said the Budget and Fiscal Officer has estimated the impact at \$65,000 per year.

Hudkins said he does not believe it will be that much.

Travis Parker, Mental Health Jail Diversion Project Director, appeared and presented Feedback Regarding LB 1199/AM2715 (Exhibit C). **NOTE:** LB 1199 would change provisions relating to sexual assault of a child, sex offenders, and rename the Nebraska Mental Health Commitment Act.

MOTION: Stevens moved and Hudkins seconded to authorize Travis Parker, Mental Health Jail Diversion Project Director, to work with Kerry Eagan, Chief Administrative Officer; and Amy Prenda, Director of Legal Research and Analysis for Kissel/E&S Associates, on further developing talking points on LB 1199 for Gordon Kissel, Legislative Consultant, to present to the Nebraska Legislature on behalf of Lancaster County.

FRIENDLY AMENDMENT: Hudkins offered a friendly amendment to authorize the Chair to send an accompanying letter, if deemed necessary.

The maker of the motion accepted the friendly amendment.

ROLL CALL: Stevens, Hudkins and Schorr voted aye. Motion carried.

ADDITIONS TO THE AGENDA

- A. Request for Information from Nationwide Retirement Solutions (NRS) (Exhibit A)

Kerry Eagan, Chief Administrative Officer, said he was informed that Diamond Hill Fund (Small Cap A) will no longer be an investment option with NRS, as of April 1, 2006, unless Lancaster County acknowledges it as a primary plus fund. He said he sent an acknowledgment to NRS.

MOTION: Hudkins moved to designate Diamond Hill Fund (Small Cap A) as a primary plus fund.

The motion died for the lack of a second.

4 INDIGENT SCREENER PROGRAM - Kim Etherton, Community Corrections Director; Dennis Keefe, Public Defender

Dennis Keefe, Public Defender, presented corrected information regarding the number of felonies filings and Public Defender appointments ((Exhibit D).

General discussion took place with Kim Etherton, Community Corrections Director, and Keefe regarding the Indigent Defense Screener Program.

Etherton presented feedback from the County Court Judges regarding continuation or elimination of the program (Exhibit E). She explained that the Indigent Defense Screeners do not have time to do in-depth screenings or follow-up, but said their work does save time in the courtroom because the Judges do not have to screen the defendants themselves.

Keefe said he needs another attorney and said if the program is not working, he would like to see those funds used to fund that cost.

MOTION: Stevens moved and Hudkins seconded to: 1) Notify the Indigent Defense Screeners and the Judges that the Indigent Defense Screener Program will be discontinued as of May 1, 2006; and 2) Ask the Personnel Department to develop a transition plan. Stevens, Hudkins and Schorr voted aye. Motion carried.

5 LB640 AND JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANTS (JAIBG) - Kit Boesch, Human Services Administrator; Corey Steele, Juvenile Justice Coordinator

Corey Steele, Juvenile Justice Coordinator, requested authorization to apply for a Juvenile Accountability Incentive Block Grant (JAIBG) in the amount of \$72,045 to fund one year of the following Juvenile Justice Programs: Lincoln Medical Education Partnership (LMEP) School and Community Intervention Program (SCIP) Drug and Alcohol Evaluator; Cedars Drug Court Tracker; Youth Assessment Center Substance Abuse Evaluations; Cedars Minority Outreach for Diversion; Juvenile Justice Training Fund; Web-based development program (Pikes Peak) for Cedars Diversion Youth (Exhibit F).

Steele noted that the County has also applied for \$190,686 in LB 640-193 Juvenile Justice County Aid to fund the following programs: Cedars Pre-Trial Diversion, CenterPointe Evening Reporting Center; Cedars Day Reporting Center, The HUB Project HIRE (juvenile employment placement and training program); Lincoln Action Program (LAP) Youth and Community Together (Youth ACT) (targets juvenile male offenders and/or adolescent males at risk of crime or violence); and the Juvenile Justice Assistant.

MOTION: Stevens moved and Hudkins seconded to approve the Juvenile Accountability Incentive Block Grant (JAIBG) application. Stevens, Hudkins and Schorr voted aye. Motion carried.

ADDITIONS TO THE AGENDA

B. Public Building Commission Meeting

Stevens said the minutes of the Public Building Commission's last meeting state one of the Courthouse Plaza tenants has asked for six months of free rent. He asked whether that is being actively considered.

Hudkins said it may be considered if immediate occupancy is granted. He said Don Killeen, County Property Manager, is currently negotiating the matter with the tenant.

C. Reconsideration of Special Circumstance Award for Corey Steele,
Juvenile Justice Coordinator

Schorr said the Personnel Department has indicated the actual difference in salary for Steele is \$709.44, not \$792.80 (see Staff Meeting minutes of January 26, 2006).

MOTION: Schorr moved to reconsider a special circumstance award for Corey Steele, Juvenile Justice Coordinator.

Hudkins said he does not believe it is appropriate for the Chair to make that motion.

MOTION: Hudkins moved to place a special circumstance award for Corey Steele, Juvenile Justice Coordinator in the amount of \$709.44 on the Tuesday, March 28, 2006 Board of Commissioners Meeting agenda.

There was no second and the motion died.

The Chair directed that the item be placed on the Tuesday, March 28, 2006 Board of Commissioners Meeting agenda under New Business, with the new amount.

D. Report on New Ethanol Plant

Hudkins reported plans for an ethanol plant with a capacity of 50 million gallons on 80 acres across the road from the Nebraska Public Power District's Sheldon Station which is near Hallam.

6 AGRICULTURAL SUPPORT BUSINESSES - Mike DeKalb, Planning Department; Mike Merwick, Building & Safety Director; Kristy Mundt, Deputy County Attorney

Extensive discussion was held regarding whether the County should provide further allowances to accommodate business that provide support to the rural community, such as garbage haulers.

DeKalb said he believes businesses are pretty well accommodated at this point, referencing the following sections of the Lancaster County Zoning Regulations:

- ▶ Article 2, Definitions
 - Section 2.003, Accessory Buildings and Uses
 - Section 2.005, Agriculture
 - Section 2.067, Home Occupation
- ▶ Article 15, Additional Use Regulations
 - Section 15.001, Home Occupations

Schorr said she was contacted by a garbage hauler who is interested in moving his business out into the County.

DeKalb said garbage haulers have a mixed clientele and said all of the special permit exceptions and special provisions that were done were tied to support of the ag community. He also reminded the Board that Lancaster County's small towns have asked that business and industry be directed to them, as they need the tax base.

Schorr suggested adding language to the zoning code for solid waste removal. She said she realizes the Board would be "opening the door", but said it would be to a limited number of businesses.

DeKalb said the Board needs to draw a reasonable line of balance of where businesses should locate in Business (B) and Commercial (C) zoning and said language could be added to provide for ag support businesses, either through a conditional use or a special permitted use. He pointed out that the garbage hauler in question doesn't intend to just provide service to the rural areas.

Hudkins said the Board added language to the Comprehensive Plan to allow for commercial use in rural areas:

While location in the cities and towns of the county is a priority, unique site requirements of a business may necessitate consideration of other suitable and appropriate locations in the county.

Hudkins suggested looking at what surrounding counties have done and asked DeKalb to check on Seward County's regulations.

Stevens said he would be willing to consider a special permit for this type of business. He noted that the area the garbage hauler would like to locate in will be within a mile of what is likely to become a major commercial development.

DeKalb said the Board or the garbage hauler in question can initiate a text change amendment to the Lancaster County Zoning Regulations.

Board members indicated that they would prefer that the garbage hauler seek a special permit.

Kristy Mundt, Deputy County Attorney, said the Lancaster County Zoning Regulations will need to be amended first. The text amendment change and application for special permit can be filed separately or in tandem.

MOTION: Hudkins moved to ask the Planning Department to initiate a text amendment change and start the process for a special permit concurrently.

The motion was withdrawn.

Stevens suggested that the Board hold a special Staff Meeting to look at the whole range of special permits.

Schorr said she had not intended to trigger a wider discussion, merely to allow this type of business to operate legally in the County. She added that she would like solid waste type operations added to the list of special permitted uses.

MOTION: Stevens moved and Hudkins seconded to direct the Planning Department, in consultation with the County Attorney's Office and other interested parties, to draft a text amendment change to the Lancaster County Zoning Regulations that would permit the solid waste management company to operate under Agricultural (AG) zoning and to bring draft language back to the Board at a Staff Meeting.

FRIENDLY AMENDMENT: Hudkins offered a friendly amendment to indicate solid waste refuse operations.

The maker of the motion said he would agree to whatever language they come up with to incorporate the type of request that the Board has received from the constituent and what they believe would be appropriate to expand or restrict that.

Hudkins said he wants the language inclusive enough to accommodate the Biosolids Program in the County, if necessary.

ROLL CALL: Hudkins, Stevens and Schorr voted aye. Motion carried.

7 AGREEMENT WITH LINCOLN HOUSING AUTHORITY (LHA) FOR TEMPORARY EASEMENT (WEST SUPERIOR STREET) - Kristy Mundt, Deputy County Attorney; Don Thomas, County Engineer

Kristy Mundt, Deputy County Attorney, and Don Thomas, County Engineer, discussed proposed changes to the agreement.

RETURNING TO ITEM 6

Mike DeKalb, Planning Department, appeared and reported that the parcel of land in question is within the City's three-mile zoning jurisdiction and so it is not a County matter.

8 VOTING MACHINE FLASH CARDS - Dave Shively, Election Commissioner

Dave Shively, Election Commissioner, requested authorization to purchase a 20 drive flash card burner for \$4,750 (Exhibit G). The equipment will be used to burn flash cards for the Automark Voting Machines. He said a portion of the cost will be billed out for elections.

MOTION: Stevens moved and Hudkins seconded approval of the request and directed Dave Shively, Election Commissioner, to work with Dave Kroeker, Budget and Fiscal Officer, to determine the appropriate funding source. Stevens, Hudkins and Schorr voted aye. Motion carried.

9 ACTION ITEMS

A. Authorize Purchase of Trucks for County Extension Biosolids Program (\$7,200)

MOTION: Hudkins moved and Stevens seconded approval. Hudkins, Stevens and Schorr voted aye. Motion carried.

B. Microcomputer Requests:

1. WordPerfect 12 Upgrades for Administrative Services; \$537.00 from Microcomputer Fund (Four Licences)

MOTION: Hudkins moved and Stevens seconded approval. Stevens, Hudkins and Schorr voted aye. Motion carried.

2. C#2006-114, \$1,597.01 from the Public Defender's Budget for a PC, 17" Computer Monitor, Software, Etc.

Eagan said the Public Defender does not have funds in his budget for this expense.

MOTION: Hudkins moved and Stevens seconded approval of the expense out of the Microcomputer Fund. Stevens, Hudkins and Schorr voted aye. Motion carried.

10 ADMINISTRATIVE OFFICER REPORT

- A. Legal Opinion on Procedure for County Change of Zone No. 05079 and County Preliminary Plat No. 05017 (Red Cedar Ridge)

MOTION: Hudkins moved and Stevens seconded to direct Kerry Eagan, Chief Administrative Officer, to schedule action on County Change of Zone No. 05079 and County Preliminary Plat No. 05017 when all five County Commissioners are present.

At the request of the Chair, the maker of the motion and the seconder withdrew their motion.

Board consensus was to handle the matter pursuant to the new County Board's Pending Policy.

- B. Appointment of David Sands to Lincoln-Lancaster County Ecological Advisory Committee (EAC)

The Board scheduled the item on the Tuesday, March 28, 2006 Board of Commissioners Meeting agenda.

- C. Letter from Mayor Seng (K Street Complex Appraisal)

Brief discussion took place regarding the letter (see agenda packet).

- D. Draft Response to Gary Young, Legal Counsel for the American Federation of State, County & Municipal Employees (AFSCME) Regarding Pension Review Committee

MOTION: Stevens moved and Hudkins seconded approval. Stevens, Hudkins and Schorr voted aye. Motion carried.

- E. New PC for Commissioner Workman

Item held.

11 DISCUSSION OF BOARD MEMBER MEETINGS

- A. Lincoln Independent Business Association (LIBA) Budget Monitoring Committee - Stevens

Stevens said there was a presentation on the bond issue to fund a linear park along the South Beltway. Salaries for city employees were also discussed.

B. Community Mental Health Center (CMHC) Advisory Committee -
Stevens

Stevens said the outpatient program, Crisis Center and post-commitment days were discussed.

12 ADJOURNMENT

MOTION: Stevens moved and Hudkins seconded to adjourn the meeting at 11:33 a.m. Hudkins, Stevens and Schorr voted aye. Motion carried.

Bruce Medcalf
Lancaster County Clerk